



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/238,163	01/28/1999	HIROSHI SUMIYAMA	032567-002	6659

21839 7590 12/29/2003

BURNS DOANE SWECKER & MATHIS L L P
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
----------	--------------

2622

DATE MAILED: 12/29/2003

Jo

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/238,163

Applicant(s)

SUMIYAMA ET AL.

Examiner

Joseph R. Pokrzywa

Art Unit

2622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 1-4 and 6-19.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

DETAILED ACTION

Advisory Action

1. The period for reply continues to run 3 MONTHS from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied by the appropriate fee. The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. A reply within the meaning of 37 CFR 1.113 or a request for a continued examination (RCE) in compliance with 37 CFR 1.114 must be timely filed to avoid abandonment of this application.

Response to Amendment

2. The amendment filed 12/2/03 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because:

a. The proposed amendment is not deemed to place the application in better form for appeal by materially simplifying the issues for appeal.

3. However, the amendment will be entered upon the filing of an appeal, but is not deemed to place the application in condition for allowance. Upon the filing of an appeal and entry of the amendment, the status of the claims would be as follows:

Allowed claim(s): none

Rejected claim(s): 1-4 and 6-19

Claim(s) objected to: none

Response to Arguments

4. Applicant's arguments filed 12/2/03 have been fully considered but they are not persuasive.

5. In response to applicant's arguments regarding the rejection of ***claim 1***, as cited in the Office action dated 9/5/03, as being anticipated by Hirata *et al.* (U.S. Patent Number 5,113,520), whereby applicant argues on page 11 that Hirata fails to teach of the limitation requiring the second memory for storing image forming conditions, since there is no teaching or suggestion in Hirata that the key buffer 41 is used to store image forming conditions, as the key buffer 41 holds key strokes that are used for editing the text between printing operations.

As read in column 3, lines 36 through 40, "If the keyboard 10 is operated at step S300, the process step enters an interrupt routine shown in Fig. 5. At S400, the key buffer 41 stores a key code data corresponding to the operated key from the keyboard controller 20." Further, Hirata teaches of various keys on keyboard 10 that can be operated, as read in column 4, lines 18 through 64, which include a page print key 16, a print execute key 18, and a print cancel key 19. Therefore, the key buffer 41 stores key code data corresponding to the operated key, which include the page print key 16, the print execute key 18, and the print cancel key 19. This specific key code data stored in the key buffer 41 can be interpreted to be "image forming conditions", as recited in the claim language, since each of the keys noted above in Hirata set specific printing conditions (being page print, print execute, and print cancel). Thus, by storing the key code data from the specific printing condition key, the key buffer 41 is effectively storing image forming conditions.

Art Unit: 2622

6. Continuing, in response to applicant's argument with respect to **claim 16**, also rejected as being anticipated by Hirata *et al.*, whereby applicant argues on pages 11 and 12, similar to that regarding claim 1, that Hirata fails to teach of storing image data in an image memory and storing image forming conditions for the image data in a memory. Hirata teaches of storing image data in an image memory (print data memory 45, column 2, lines 49 through 55), and as discussed above, storing image forming conditions for the image data in a memory (being the key code data from specific keys setting a printing condition, being stored within the key buffer 41). Continuing, applicant argues on page 12 that Hirata additionally fails to teach of the step of erasing the image data from the image memory in response to a command, while maintaining the associated image forming conditions in the memory. Hirata teaches of generating a command of discarding the image data whose image is being printed (when the cancel key 19 is pressed, column 4, lines 50 through 64), stopping a print operation of the image data being printed and erasing the image data from the image memory in response to the command (being step 292 in Fig. 3B, and column 4, lines 50 through 55), while maintaining the associated image forming conditions in the memory (whereby the key code data corresponding to the print cancel key 19, interpreted as being image forming conditions, as discussed above, remains in the key buffer 41).

7. Therefore, the rejection of independent **claims 1, 16, and 19**, as well as corresponding dependent **claims 2-4, 9, 17, and 18**, as cited in the Office action dated 9/5/03, under 35 U.S.C. 102(b), as being anticipate by Hirata *et al.*, is maintained. Similarly, for the same reasons discussed above, the rejections of **claims 6-8 and 10-15**, as cited in the Office action dated 9/5/03, under 35 U.S.C. 103(a), as being unpatentable over Hirata *et al.* in view of Hanamoto (U.S. Patent Number 5,152,001), is also maintained.

Art Unit: 2622

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Joseph R. Pokrzywa
Examiner
Art Unit 2622

jrp



EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600